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Howard T. Marano

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,370

Applicant(s)

MARANO, HOWARD T.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050606.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a non-final Office action in response to communications received 06/06/05. Claims 1, 2, 5, 8, 9, 13, and 15-18 have been amended. Claims 1-19 are pending.

Response to Amendments/Requirement for Information

2. Applicant's amendment to claim 13 is sufficient to overcome the 35 USC § 112, second paragraph rejection set forth in the previous office action.
3. The documents provided are a sufficient response to the Requirement for Information set forth by the Examiner.

Claim Objections

4. Claim 9 is objected to because of the following informalities:

Claim 9 recites "user entry of decision information for automatically programmatically selecting a task", which should more appropriately be --user entry of decision information for automatically and programmatically selecting a task--.

Correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites "wherein the decision information comprises a logical procedure for processing data associated with a task to identify a task schedule". The term logical procedure,

Art Unit: 3623

in its broadest reasonable interpretation, is interpreted as a program with logic (i.e. software or a computer-implemented process). Claim 1 sets forth that decision information is data entered by user via the interface, the data used to select a task. It is unclear as to how information entered by a user would contain a logical procedure (or program). Clarification is required. For examination purposes, this limitation is construed as --the decision information invokes a logical procedure for processing data associated with a task to identify a task schedule--.

7. Claim 5 recites “said decision information automatically and programmatically without user intervention select said task and assigns said identifier”. However, this statement conflicts with claim 1, which states “automatically assigning a task representative identifier representing a selected task [...] based on the application of the received information, in response to received information identifying an event”. Therefore, claim 1 recites that the automatic process of assigning the identifier occurs in response to and based on *received information*. Therefore, this limitation of claim 5 seems to contradict the limitations of claim 1, wherein the identifier is assigned based on received information. Clarification is required. For examination purposes, examiner has construed this limitation as --said decision information automatically and programmatically without user intervention selects said task--.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3623

Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Voorhees (U.S. 2004/0039626).

9. As per claim 1, Voorhees teaches a method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:

- a. initiating display of at least one interface menu supporting user entry of decision information for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding different entities (See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4, wherein a GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system);
- b. receiving decision information entered via said at least one interface menu (See figure 8 and paragraphs 0023-5 and 0043-5, wherein information is received via the interface menus);
- c. applying the received decision information (See paragraphs 0023-5, 0029, and 0043-4, wherein the information is applied); and
- d. automatically assigning a task representative identifier representing a selected task to be performed by said particular entity to said task schedule associated with said particular entity, based on the application of the received information, in response to received information identifying an event (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is assigned to the schedule of the entity based on the received information. See specifically

Art Unit: 3623

paragraph 0029 that discloses an updating engine that automatically assigns a task to an entity's calendar when then user schedules an appointment (predetermined event)).

10. As per claim 2, Voorhees discloses automatically selecting said particular task schedule from said plurality of displayable task schedules, in response to said decision information and received information identifying an event (See figures 8-9, paragraphs 0025 and 0040-1, wherein the task schedule is selected based on received decision information from a user) and wherein

the step of initiating display of at least one interface menu includes initiating display of menu elements prompting a user to identify at least (b) a source of decision information (See figure 4, paragraphs 0026, 0040, and 0043, where a user identifies a source of decision information (i.e. registered user with a stored profile)).

11. As per claim 3, Voorhees discloses wherein the decision information invokes a logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4, wherein a GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system).

12. As per claim 4, Voorhees teaches wherein the data associated with a task comprises at least one of (a), (b) a time and date of performance of a medical procedure, (c), (d) location of performance of a medical procedure, (e), and (f) (See figure 8 and paragraphs 0023-5, 0041, and 0043-4, wherein data associated with the task includes at least a date and time of the procedure and a location).

13. As per claim 5, Voorhees discloses wherein said decision information automatically and programmatically without user intervention selects said task (See paragraphs 0025 and 0040-1)

and the entity comprises at least one of (a) a category of users, (b) one or more users currently designated to perform a healthcare worker role, and (c) (See figure 6 and paragraphs 0008-9 and 0023-4, disclosing category of users, one or more users performing healthcare roles, etc.).

14. As per claim 6, Voorhees discloses wherein:

- a. decision information identifies the predetermined event (See paragraphs 0023-5, 0029, and 0043-4, wherein the decision information is used to identify the predetermined event (the scheduling of an appointment) and the system automatically assigns a task to an entity's calendar); and
- b. the predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure, (d) a user defined event based on information acquired (See figure 8 and paragraphs 0023-5, 0041, and 0043-4, wherein the scheduled appointment corresponds to at least the beginning of a medical procedure. See also 0030, wherein the appointment involves a telemedicine event).

15. As per claim 8, Voorhees teaches steps a, b, c, and d, as set forth above with regards to claim 1. Voorhees further discloses said particular task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity (See at least paragraph 0024, wherein the doctor accesses the system and his/her schedule), the decision information including:

- i. an executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (See paragraphs 0023-5,

Art Unit: 3623

0029, 0043-4, wherein the information is processed to identify a doctor and a doctor's schedule), and

ii. an event for triggering application of the procedure in allocating the task representative identifier to the identified task schedule (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is allocated to the schedule of the entity based on the submission of information by the patient. See specifically paragraph 0029 that discloses an updating engine that is automatically triggered to allocate the task identifier to the entity's calendar).

16. Claim 9 recites equivalent limitations to claim 1, element a. and claim 4 and is therefore rejected using the same art and rationale set forth above.

17. Claim 10 recites equivalent limitations to claim 6 and is therefore rejected using the same art and rationale set forth above.

18. As per claim 11, Voorhees discloses acquiring the data associated with a task (See paragraphs 0022 and 0040, wherein data is acquired from the patient).

19. As per claim 12, Voorhees teaches wherein:

a. the procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences (See paragraphs 0023-5, 0029, and 0040); and

b. further including acquiring data to identify the coincidence of the plurality of occurrences (See paragraphs 0023-5, 0029, and 0040, wherein data is acquired to identify the coincidences, such as an appointment scheduled and occurring. See also paragraph 0029, wherein a survey is given to the patient).

Art Unit: 3623

20. As per claim 13, Voorhees discloses:

a. the triggering event is conditioned upon coincidence of a plurality of occurrences (See paragraphs 0023-5, 0029, and 0040); and

b. further including acquiring data to identify the coincidence of the plurality of occurrences (See paragraphs 0023-5, 0029, and 0040, wherein data is acquired to identify the coincidences, such as an appointment scheduled and occurring. See also paragraph 0029, wherein a survey is given to the patient).

21. As per claim 14, Voorhees teaches applying the received decision information in removing a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event (See paragraphs 0024 and 0029, wherein a task is removed from an entity's schedule and the schedule is updated).

22. As per claim 15, Voorhees teaches step ai, as set forth above in the rejection of claim 1. Voorhees further teaches ii. initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to applying received decision information, in automatically assigning a task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity in response to received information identifying an event (See paragraphs 0023-5, 0029, and 0043-4, wherein an identifier of the task is assigned to the schedule of the entity based on the received information. See paragraphs 0024 and 0029, wherein updating of schedules occurs).

23. As per claim 16, Voorhees teaches the elements of claim 16, as explained above with regards to claims 8 and 15. Claim 16 is rejected using the same art and rationale set forth above.

Art Unit: 3623

24. As per claims 17 and 18, claims 17 and 18 recite equivalent limitations to claims 8 and 1, respectively, and are therefore rejected using the same art and rationale set forth above.

25. As per claim 19, Voorhees discloses a computer program embodied within a computer readable medium using the method of claim 1 (See figure 8 and paragraphs 0022-3, 0025, 0027, and 0043-4).

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voorhees (U.S. 2004/0039626) in view of Burko (U.S. 2002/0156672)

27. As per claim 7, Voorhees discloses applying the received decision information in assigning a plurality of task representative identifiers associated with a particular entity (See paragraphs 0023-5, 0029, and 0043-4, wherein the identifiers are assigned to tasks) as well as causing tasks to occur based on the occurrence of a triggering event (See paragraphs 0023-5, wherein the tasks occur in a particular order based on a triggering event).

However, Voorhees does not expressly disclose prioritizing the plurality of tasks assigned to a particular entity based on triggering events.

Burko discloses an integrated scheduling system that prioritizing the plurality of tasks assigned to a particular entity based on triggering events (See paragraphs 0012, 0026, 0053-4,

wherein the system schedules appointments based on priority, priority triggered by urgency, information about the customer (family member, paid priority status, etc.)).

Both Voorhees and Burko present systems that automate the scheduling of an appointment with a doctor. Scheduling appointments based on priority, such as emergency situations, is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to prioritize the scheduling of tasks in order to increase the quality of care given to users by ordering the tasks based on the needs and profile of the user in a consistent manner. See paragraphs 0007-0009 and 0012.

Response to Arguments

28. Applicant's arguments, see communication, pages 16-17, filed 06/06/05, with respect to the rejection of claim 7 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection have been established above.

29. Applicant's arguments with regards to Voorhees (U.S. 2004/0039626) have been fully considered, but they are not persuasive. In the remarks, applicant argues that Voorhees does not teach or suggest (1) automatically assigning an identifier representing a selected task to be performed by an entity and the task is automatically selected from a plurality of different tasks by applying the decision information in response to received information identifying the event, (2) as per claim 2, automatically selecting said particular task schedule from said plurality of displayable task schedules in response to said decision information and received information identifying an event, (3) menu elements prompting the user to identify at least one of (a)-(c), (4) as per claim 3, use of a logical procedure for processing data associated with a task to identify a

Art Unit: 3623

task schedule, (5) as per claim 12, allocation of the task to the task schedule upon coincidence of a plurality of occurrences and further including acquiring data to identify the coincidence of the plurality of occurrences.

In response to argument (1), Examiner respectfully disagrees. The claims recite that an interface supports user entry of decision information for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule, in response to received information identifying an event. Therefore, two actions are occurring: automatic selection of a task and assigning an identifier to a task schedule in response to received information identifying an event. A user interface supports a user entering information for the purpose of causing these events. Examiner points out that the way claim 1 is written, the automated steps are performed after some entry or input by the user. Voorhees teaches a system wherein a GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system. Voorhees teaches that a seeker is shown a selected task based on the automated search of the system. If the task works with the seeker, the seeker fills out a form or chart (either automatically or manually) identifying the event of the meeting and submits it to the system. The system then automatically updates the target's calendar to indicate the non-availability of the selected time (i.e. assigns an identifier to the schedule of the target). See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4.

In response to argument (2), Examiner respectfully disagrees. See paragraphs 0025 and 0040-1, wherein the task schedule is automatically selected from a plurality of target's schedules stored in the system. The user (or "seeker") inputs criteria and other information concerning an

Art Unit: 3623

event to be scheduled with a doctor (or “target”). Using this information, a decision will be made by the computer system as to which doctors (or “targets”) will satisfy the seekers information. See figures 8-9, paragraphs 0040-1.

In response to argument (3), Examiner respectfully disagrees. Examiner points out that decision information is information entered by a user, as recited in the limitations of claim 1. Examiner also points out that claim 2 requires that the menu elements prompt a user to identify at least one of (a)-(c). Voorhees discloses at least element (b), wherein the menu prompts the user to identify at least a source of the decision information (or user entered information). Voorhees discloses a menu in figures 4 and 8 and discusses user interfaces in at least paragraph 0043. Through these interface menus and inputs, the user will identify him/herself as the supplier of the information and will also identify the basis for the system to begin scheduling the appointment.

In response to argument (4), Examiner respectfully disagrees. Claim 3 recites “a logical procedure”. The term logical procedure, in its broadest reasonable interpretation, is interpreted as a program with logic (i.e. software or a computer-implemented process). Based on the 35 USC § 112, 2nd paragraph, rejection set forth above, this limitation is interpreted as “the decision information invokes a logical procedure”. Voorhees discloses a user entering information that causes a decision to be made concerning a scheduling of an event. The user enters at least identification information and criteria into the interface of the system and the system utilizes this information to retrieve and present a doctor (who has an availability schedule). If the doctor satisfies the seeker, the system automatically updates the doctors schedule to include the task of the appointment. See figure 8 and paragraphs 0023, 0025, 0029, 0041, and 0043-4, wherein a

Art Unit: 3623

GUI is displayed to a user that allows the user to enter information that enacts the assigning of a task to one of the schedules managed by the system.

In response to argument (5), Examiner respectfully disagrees. Voorhees discloses multiple targets and multiple seekers, all of which are interacting with the system. The multiple targets are all interacting with the system to set up an availability schedule and the multiple seekers are searching the system based on their availability to arrange meetings with the targets. Therefore, allocation of the task to a specific target occurs upon the concurrence of a plurality of occurrences (the target setting up the availability schedule, the target being available, the seeker utilizing the system, and the seeker being available at the same time as the target). The system acquires the information from the seekers and the targets via interfaces and facilitates the identification of these concurrences. See paragraphs 0023-5, 0029, and 0040 and figures 3, 6, and 8. If something else is meant by the term "coincidence" it should be clearly recited in the claim to receive the proper patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwd

bvd

August 11, 2005

Susanna Diaz

**SUSANNA M. DIAZ
PRIMARY EXAMINER**

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